IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

Crl.Rev.Pet.No. 268 of 2000()

AGAINST THE ORDER DATED 29/02/2000 IN CRMP 290/2000 IN CC.10/1994 of JUDL.MAGISTRATE OF FIRST CLASS-I, KOTTARAKKARA

.....

REVN. PETITIONER:

S.ANSALAM,
AGNES COTTAGE,
BEACH NORTH, THANGASSERI P.O.,
KOLLAM - 691 007.

BY ADV. SRI.K.GEORGE VARGHESE KANNANTHANAM
SRI.TONY GEORGE KANNANTHANAM

RESPONDENTS:

---

1. STATE OF KERALA, REPRESENTED BY
THE DIRECTOR OF PROSECUTION,
HIGH COURT OF KERALA, ERNAKULAM

2. THE DETECTIVE INSPECTOR,
C.B.CID, KOLLAM.

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 17/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P NOS.1167/2000, 4736/2000 & 1400/2001 IN CRL.RP.NO.268/2000

CLOSED

SD/- K.R.UDAYABHANU, JUDGE

17/08/2007

\\TRUE COPY//

K.R.UDAYABHANU, J.

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

Crl.R.P.No.268 of 2000(C)

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

Dated this the 17th day of August, 2007

O R D E R

The revision petition is filed by the accused in C.C.No.10/1994 on the file of the Judicial Magistrate of the First Class-I, Kottarakkara, with respect to the order on the application filed by the Assistant Public Prosecutor under Section 311 Cr.P.C seeking to reopen the proceedings and to examine the remaining witnesses.

2. The prosecution evidence was closed by virtue of the dictum of the **Common Cause a Regd.Society through its Director vs.Union of India and other respondents [1996 AIR SC 1619]**. The Assistant Public Prosecutor applied in view of the subsequent decision reported in **Raj Deo Sharma vs. State of Bihar [1999 Cr.L.J.4541 (SC)]**. The court below allowed the above application.

3. The offence involved is under Section 409 and 209 I.P.C. The order of the lower court allowing the application under Section 311 Cr.P.C is disputed herein.

4. I find that in view of the subsequent decision of the larger bench of the Supreme Court, in **Ramachandra Rao vs.State of Karnataka [2002 (2) KLT 189 (SC)]** there is no scope for disputing the correctness of the order of the court below. The revision petition is dismissed.

The case will stand posted before the court below on 17/09/2007. The counsel for the revision petitioner has sought for fixing a time limit for the disposal of the case. In the circumstances, the court below is directed to dispose of the matter, within four months from the date of receipt of a copy of this order.

K.R.UDAYABHANU,
Judge

ms

K.R.UDAYABHANU, J.

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

Crl.R.P.No.268 of 2000(C)

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

O R D E R

17th August, 2007